

**Worksheet
Interim
Documentation of Land Use Plan Conformance and NEPA Adequacy
(DNA)**

U.S. Department of the Interior Bureau of Land Management

Note: This Worksheet is to be completed consistent with the policies stated in the Instruction Memorandum entitled, "Documentation of Land Use Plan Conformance and National Environmental Policy Act (NEPA) Adequacy" transmitting this Worksheet and the "Guidelines for using the DNA Worksheet," located at the end of the Worksheet.

A. Describe the Proposed Action

The proposed action is to reissue a 3-year grazing lease to Swan Lake Feeders (Peggy Biaggi) for three fragmented grazing allotments on Bryant Mountain - Warlow (0831), Bryant-Taylor (0857), and Harpold Canyon (0895). The lease is being reissued in accordance with the grazing regulations at 43 CFR 4110.1, §4110.2-1(d) and (e), §4130.2, and §4130.3. All three allotments are located within the west-central portion of Bryant Mountain, approximately 20 miles SE of Klamath Falls, Oregon. The BLM administered lands are extremely fragmented and intermingled with larger private parcels of land (see attached map).

The current grazing lease will expire on 5/15/00. The recognized base property for the BLM grazing lease is owned by Jeld Wen Timber & Ranches, and leased to Swan Lake Feeders under a continuing (and expected to continue) series of 3 year base property leases. The term of the renewed lease is 5/15/2000 through 5/15/2003; 3 years as required by §4130.2(d)(3) of the current grazing regulations. However, this DNA is envisioned to cover 2 more lease renewals (i.e. through 5/15/2009) unless information indicates that the grazing management should be altered (e.g. Rangeland Health Standards assessment discussed later) or future policy dictates a different approach.

The parameters of the renewed grazing lease will be the same as the previous lease and as follows:

Warlow	10 cattle	5/1 - 9/30	50 AUMs
Bryant-Taylor	13 cattle	4/15-9/30	74 AUMs
Harpold Canyon	15 cattle	5/1 - 9/30	76 AUMs

The 1995 Klamath Falls R.A. ROD/RMP/RPS has the same grazing parameters for the Warlow and Bryant-Taylor allotments; the parameters for Harpold Canyon were somewhat different (see next section).

B. Land Use Plan (LUP) Conformance

LUP Name*: *Klamath Falls R.A. Resource Management Plan and Environmental Impact Statement (KFRA RMP/EIS dated September 1994)*

Date Approved: June 1995 via the *Klamath Falls Resource Area Record of Decision and Resource Management Plan and Rangeland Program Summary* (KFRA ROD/RMP/RPS)

* List applicable LUPs (e.g., Resource Management Plans and activity, project, management, or program plans, or applicable amendments thereto)

☐ The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

The KFRA ROD/RMP/RPS states on page 62 to "Provide for livestock grazing in an environmentally sensitive manner, consistent with other objectives and land use allocations. Resolve resource conflicts and concerns and **ensure that livestock grazing use is consistent with the objectives and direction found in Appendix H (Grazing Management)**" (emphasis added). Also later on that same page is the following: "Provide for initial levels of livestock grazing within the parameters outlined, by allotment, in Appendix H."

The ROD/RMP/RPS - Appendix H - lists the grazing parameters for the Warlow allotment on page H-30, Bryant-Taylor allotment on page H-44, and Harpold Canyon on page H-63. The parameters for Warlow and Bryant-Taylor are the same as the proposed action and thus, that portion of the grazing lease is already identical to the primary land use plan for the Klamath Falls Resource Area. The parameters for Harpold Canyon allotment are the same as that plan except the proposed season of use was 5/1 to 7/31. The 1994 KFRA RMP/EIS listed the existing season of use (5/1-9/30) as the "no action" alternative. Both the KFRA RMP/EIS (page L-1) and ROD/RMP/RPS (page H-1) state the following:

Grazing Administration Information. This section provides basic information on the grazing license and other forage demands within the allotment including active preference, suspended nonuse, total preference, exchange-of-use, current season-of-use (No Action) the proposed season-of-use (Proposed Resource Management Plan), the estimated average forage use by major wildlife grazing species. **All changes to these and other attributes of livestock grazing management will be made through the monitoring and evaluation process** as outlined in the section Rangeland Monitoring and Evaluations. (emphasis added)

However, since an allotment evaluation (or equivalent) has not been performed for this allotment, as required by policy and the Plan, no change in the season of use is justified at this time (see Question #3 below). Thus, the lease re-issuance is considered in conformance with the Plan. A "*Optional Plan Conformance/NEPA Compliance Record*" was prepared and approved for the last re-issuance of this lease on 3/17/97. It was based on the same planning efforts as this DNA and came to the same result.

☐ The proposed action is in conformance with the LUP, even though it is not specifically provided for (in the below referenced sections), because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions):

NA - the action is specifically provided for in the LUP.

C. Identify applicable NEPA documents and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action:

Klamath Falls R.A. Resource Management Plan and Environmental Impact Statement (KFRA RMP/EIS dated September 1994) approved via the June 1995 *Klamath Falls Resource Area Record of Decision and Resource Management Plan and Rangeland Program Summary* (KFRA ROD/RMP/RPS). This is the overall land use plan (LUP) for the Klamath Falls Resource Area.

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

None additional.

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed? Is the current proposed action located at a site specifically analyzed in an existing document?

Documentation of answer and explanation:

The proposed action (lease renewal) is consistent with and essentially the same as the grazing management identified in the KFRA RMP/EIS Preferred Alternative - called the "Proposed Resource Management Plan" or PRMP. Specifics by allotment are found in Appendix L, with the Warlow allotment on page L-30, Bryant-Taylor on L-44, and Harpold Canyon on L-63. The preferred alternative was affirmed and implemented by the ROD/RMP/RPS, where the allotment specific information is found in Appendix H - pages noted previously. Environmental impacts of grazing, for all alternatives, are found in Chapter 4 - "Environmental Consequences" (4-1 through 4-143) - of the RMP/EIS.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, and resource values?

Documentation of answer and explanation:

The proposed action lies within the range of various alternatives identified and analyzed in the RMP/EIS (summarized in table S-1 "Comparisons of Allocations and Management by Alternative", pages 18-50; and S-2 "Summary of Environmental Consequences by Alternative", pages 52-53). This array and range of alternatives included the No Action alternative (status quo); five other alternatives (A through E) that covered a span of management from a strong emphasis on commodities production to a strong emphasis on resource protection/preservation; and the PRMP that emphasizes a balanced approach of producing an array of socially valuable products within the concept of ecosystem management. Since this plan is relatively recent, it more than adequately reflects "current environmental concerns, interests, and resource values".

3. Is the existing analysis valid in light of any new information or circumstances?

Documentation of answer and explanation:

A review was conducted to determine if any new information, studies, and analyses would materially differ from the data in the earlier analysis for these allotments during the RMP/EIS process. Included in these categories, and completed or extended since the date of the ROD/RMP/RPS, are the following:

No new information since completion of the planning process in 1995.

However, the following information is pertinent to the full addressing of this NEPA adequacy "question":

- Ongoing analyses in the Interior Columbia Basin Ecosystem Management Plan (ICBEMP) has not indicated any new significant information that would modify the management direction in this allotment.
- Rangeland monitoring studies (or other resource studies) have not been performed on any of these three allotments since they are low priority "C" (custodial) category allotments, are small in size, extremely fragmented and intermingled with larger private land parcels, and there have been no indications that the allotments have any critical resource related problems that need monitoring (see Question #5 for information about the LUP objectives for two of the allotments).
- In accordance with 43 CFR 4180, the Klamath Falls Resource Area is in the process of implementing the Standards for Rangeland Health and Guidelines for Grazing Management (S&G's), as developed by the Klamath PAC/RAC. A "Rangeland Health Standards Assessment" is scheduled for completion on the Harpold allotment during Fiscal Year (FY) 2005 and for Warlow and Bryant-Taylor in FY 2006. These assessments will ascertain whether current management is meeting, not meeting, or making significant progress towards meeting, the 5 Standards for Rangeland Health. They will be based on current information at that time. Rangeland (or other) monitoring may be performed on these allotments between now and then if additional information is deemed necessary to adequately assess the area.

To summarize, the existing analysis in the LUP is still considered valid at this time, including the described/analyzed livestock grazing impacts.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

Documentation of answer and explanation:

The RMP/EIS and subsequent ROD/RMP/RPS designated domestic livestock grazing as a principle or major use for this allotment under the principle of multiple use on a sustained yield basis in accordance with FLPMA. The development of the Proposed Resource Management Plan in the RMP/EIS, as adjusted or affirmed by the ROD/RMP/RPS, meets NEPA standards for impact analysis. The methodology and analyses employed in the RMP/EIS are still considered valid as this planning effort is relatively recent (ROD - June 1995) and considered up to date procedurally. In addition, all the rangeland monitoring, studies, and survey methods utilized in the general area prior to and during the planning process continue to be accepted (or required) BLM methods and procedures.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document analyze site-specific impacts related to the current proposed action?

Documentation of answer and explanation:

The proposed action is consistent with the RMP/EIS, as affirmed or adjusted by the ROD/RMP/RPS. The impacts of livestock grazing were analyzed in most of the major sections of Chapter 4 - Environmental Consequences (pages 4-1 through 4-143) in the RMP/EIS. No new information has come to light since completion of the plan that would indicate that the previously analyzed direct/indirect impacts would be substantially different.

The details of the proposed action were also covered specifically in Appendix H - *Grazing Management and Rangeland Program Summary* (pages previously noted) of the ROD/RMP/RPS. In that section, the following "Identified Resources Conflicts/Concerns" were listed: for Warlow - "Riparian or aquatic habitat is in less than good habitat condition" and for Bryant-Taylor - "Potential for grazing/recreation conflicts within the allotment". The accompanying "Management Objectives" were, respectively: "Maintain and improve riparian or aquatic habitat in good or better habitat condition" and "Grazing management should consider recreation concerns".

The specific rationales supporting these objectives were based on the collective professional judgement of an IDT early in the land use planning process (1990-1991). For the Warlow Allotment, it is assumed that the riparian objectives are due to a small portion of Captain Jack Lake being within this allotment. However, the majority of Captain Jack Lake is in 2 other grazing allotments (including Bryant-Taylor) for which

there are no listed riparian objectives; an apparent inconsistency. It is possible that the Warlow riparian objective is due to a portion of Lone Pine Reservoir (an artificial wet meadow which is also partially private land) being in the allotment. Similarly, the recreation objective for Bryant-Taylor was based on that same pre-planning process. However, there are no similar objectives for any other Bryant Mountain allotments and Bryant-Taylor, due to its fragmented nature, has no special recreational attributes beyond (or even as significant as) that of other BLM parcels on Bryant Mountain. However, no records from this IDT process can be found. Thus, until the allotments are formally assessed, the appropriateness of these objectives and whether they are being met or not, can not be determined.

In summary, it is thought at this time, based on current information and judgement, that this NEPA Adequacy "question" is in the affirmative; that the direct and indirect impacts of reissuing this grazing lease are unchanged from that identified in the LUP and that plan also adequately analyzes the site-specific impacts.

6. Are the cumulative impacts that would result from implementation of the current proposed action substantially unchanged from those analyzed in the existing NEPA document(s)?

Documentation of answer and explanation:

The proposed action as analyzed in the PRMP of the RMP/EIS, as affirmed or adjusted by the ROD/RMP/RPS, would not change analysis of cumulative impacts. Any adverse cumulative impacts are the same as and within the parameters of those identified and accepted in that earlier planning effort for all three allotments grazing use, since the proposed action was specifically analyzed in the RMP/EIS. In addition, ongoing analyses in the Interior Columbia Basin Ecosystem Management Plan (ICBEMP) has not indicated any cumulative impacts beyond those anticipated in the earlier analyses. (In addition, the ICBEMP, due to its regional approach, does not have the specificity of the RMP.)

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Documentation of answer and explanation:

The KFRA RMP/EIS and ROD/RMP/RPS were distributed to all interested publics and other government agencies for review. Since this proposed lease issuance is precisely as listed in the LUP and that plan went through all of the appropriate and legally required public/agency review, public involvement is considered at least adequate.

All of those publics/agencies have also been kept informed of plan implementation through periodic planning update reports (i.e. May 1995, October 1997, February 1999, with another pending as this is written). These planning updates or Annual Program Summaries, as they are now called, include information on range program and project accomplishments, updates to the RPS, monitoring reports, planned activities for the

upcoming year, allotment evaluation and Standards and Guidelines assessments scheduling, and other information necessary to allow for adequate public involvement opportunities.

No specific public involvement, or "interested public" status (under the grazing regulations at 43 CFR 4100.0-5), has ever been requested for any of these three allotments.

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the NEPA analysis and preparation of this worksheet.

<u>Name</u>	<u>Title</u>
Bill Lindsey	Rangeland Management Specialist/author
(See attached NEPA cover sheet for reviewers/participants.)	

Conclusion

☐ Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA

Note: If you found that one or more of these criteria is not met, you will not be able to check this box.

/s./ Teresa A. Raml_____

Manager, Klamath Falls Resource Area

_5/30/2000_____

Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision.

Guidelines for Using the DNA Worksheet and Evaluating the NEPA Adequacy Criteria

These guidelines supplement the policies contained in the Instruction Memorandum entitled "Documentation of Land Use Plan Conformance and National Environmental Policy Act (NEPA) Adequacy". During preparation of this worksheet, if you determine that one or more of the criteria are not met, you do not need to complete the Worksheet. If one or more of these criteria is not met, you may reject the proposal, or complete appropriate NEPA compliance (EA, EIS, Supplemental EIS, or CX if applicable) and plan amendments before proceeding with the proposed action. Documenting why the criterion (criteria) has (have) not been met may be beneficial in preparing new or supplemental NEPA documents, however.

Criterion 1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed? Is the current proposed action at a site specifically analyzed in an existing NEPA document? In the limited situations in which an existing NEPA document(s) can properly be relied upon without supplementation, explain whether and how the existing documents analyzed the proposed action (include page numbers). If there are differences between the actions included in existing documents and the proposed action, explain why they are not considered to be substantial.

Criterion 2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests and resource values? Explain whether the alternatives to the current proposed action that were analyzed in the existing NEPA documents and associated record constitute a reasonable range of alternatives with respect to the current proposed action, and if so, how. Identify how current issues and concerns were addressed within the range of alternatives in existing NEPA documents. If new alternatives are being proposed by the public to address current issues and concerns, and you conclude they do not need to be analyzed, explain why.

Criterion 3. Is the existing analysis valid in light of any new information or circumstances?

New information or circumstances could include the following. If any of the listed items below are applicable, you need to determine whether it (they) constitute(s) new information or circumstances.

- a. New standards or goals for managing resources. Standards and goals include, but are not limited to: BLM's land health standards and guidelines, recovery plans for listed species prepared by the Fish and Wildlife Service or National Marine Fisheries Service, requirements contained in a biological opinion or conference report related to Section 7 of the Endangered Species Act, and the requirement to address disproportionate impacts on minority populations and low income communities (E.O. 12898).
- b. Changes in resource conditions within the affected area the existing NEPA analyses were conducted, e.g., changes in habitat condition and trend; listed, proposed, candidate, and Bureau designated sensitive species; water quality, including any identified impaired water bodies under Section 303 of the Clean Water Act; air quality; vegetation condition and trend; soil stability; visual quality; cultural resource condition; and wildlife population trend(s); etc.
- c. Changes of resource-related plans, policies, or programs of State and local governments, Indian tribes, or other federal agencies.
- d. Designations established in the affected area since the existing NEPA analysis and documentation was prepared. Designations include, but are not limited to wilderness, wilderness study areas, National Natural Landmarks, National Conservation Areas, National Monuments, National Register properties, Areas of Critical Environmental Concern, and Research Natural Areas.

Criterion 4. Do the methodology and analytical approach used in the existing NEPA document

continue to be appropriate for the proposed action? Explain how the methodologies and analytical approach used in the existing NEPA document are current and sufficient for supporting approval of the proposed action. If valid new technologies and methodologies (e.g. air quality modeling) exist, explain why it continues to be reasonable to rely on the method previously used.

Criterion 5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those analyzed in the existing NEPA document(s)? Does the existing NEPA document analyze site-specific impacts related to the current proposed action? Review the impact analysis in the existing NEPA document(s). Explain how the direct and indirect impacts of the proposed action are analyzed in the existing NEPA documents, and would, or would not, differ from those identified in the existing NEPA document. Consider the effect new information or circumstances may have on the environmental impacts predicted in the existing NEPA document.

Criterion 6. Are the cumulative impacts that would result from implementation of the proposed action substantially unchanged from those identified in the existing NEPA document(s)? Would the current proposed action, if implemented, change the cumulative impact analysis? Consider the impacts analysis in existing NEPA documents, the effects of relevant activities that have been implemented since existing NEPA documents were completed and the effects of the current proposed action.

Criterion 7. Is the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action? Explain how the nature of public involvement in previous NEPA documents continues to be adequate and valid in light of current issues, concerns, views, and controversies.